

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE V.P.MOHAN KUMAR

WRIT PETITION NO:27923/1996

BETWEEN:

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The Registrar,  
University of Agricultural Sciences,  
Dharwad-580005.

(By Sri B.C.Prabhakar, Adv) ..Petitioner

AND:

1. Sri K.Venkata Reddy,  
Junior Engineer (Agriculture),  
Main Research Station,  
Krishinagar,  
University of Agricultural Sciences,  
Dharwad-580005.

2. The Presiding Officer,  
Labour Court,  
Hubli.

(By Sri Mahesh Wadiyar for  
Sri Mohan Shantangowder for R-1;  
Sri T.P.Nambiar, AGA for R-2;) ..Respondents.

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This writ petition is filed under Articles  
226 and 227 of the Constitution of India with a

prayer to quash Annex-A dt.24.6.96 for quashing the order dt.24.6.96 by R2 and etc.,

This petition coming on for hearing this day the Court made the following:

O R D E R

The petitioner challenges the award passed by the Labour Court under Section 33(c) (2) of the Industrial Dispute Act. The worker in question was appointed on temporary basis on a salary of Rs.600-00 per month. He was working continuously as such. Thereafter the worker applied for the regular post in response to the advertisement given by the petitioner and he was selected and appointed with effect from 15.06.1982, as a fresher. After a lapse of nearly 9 years, he made an application under Section 33(c) (2) of the Industrial Dispute Act, claiming that the services put in by him from 12.01.1978 to 15.06.1982 has to be reckoned for the purpose of increments and other benefits. This claim was upheld by the Labour Court.

2. The contention of the petitioner is

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that they have ~~declined~~ the claim made by the worker. According to the petitioners as per the service conditions services rendered by employees on consolidated salary on temporary basis and later appointed on regular basis in the same post is counted only for the purpose of pension and leave <sup>and not for any other financial benefits.</sup> ~~benefits~~. The contention of the petitioner is that this aspect has not been considered by the Labour Court. But in this behalf, none of their pleas were urged by the petitioner before the Labour Court. There was a lapse on their part. In view of the circumstances that there are nearly 300 similarly placed persons and that they all will be affected by the order it is only proper to set aside the order passed by the Labour Court and the matter be remitted back to the Labour Court for considering the matter afresh. The whole difficulty arose because of the lapse on the part of the petitioner. In view of such circumstances, the petitioner shall pay a sum of Rs. 1,000-00 as cost to the first respondent for the lapses. This

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This will be irrespective of the final outcome. I make it clear that only in the event the petitioner pays this cost to the first respondent, when the matter reaches the Labour Court he will be allowed to raise any plea and contend or else the petitioner is not entitled to raise any contentions. Writ petition disposed of as above.

Parties to appear on 20.07.1998

Sd/-  
JUDGE



ksp/RBH/-